

# EXHIBIT E

Authorization ID \_\_\_\_\_  
Contact ID \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

FS-2700-9e (9/96)  
OMB No. 0596-0082

**U. S. DEPARTMENT OF AGRICULTURE**  
**Forest Service**  
**NON-COST SHARE EASEMENT**  
**National Forest Roads and Trails Act,**  
**October 13, 1964, (P. L. 88-657) 36 CFR 251.50, et seq**

THIS EASEMENT, dated this \_\_\_\_ day of \_\_\_\_\_ (Month/Year), from the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to State of Idaho, acting by and through the Department of Lands, hereinafter called Grantee.

**WITNESSETH:**

WHEREAS, Grantee has applied for a grant of an easement under the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a road over certain lands owned by the United States in the County of \_\_\_\_\_ (Name), State of \_\_\_\_\_ (Name), and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor, for and in consideration of the grant of reciprocal easements received by Grantor, does hereby grant to Grantee, its successors and assigns, and to successors in interest to any lands now owned or hereafter acquired by Grantee (hereinafter collectively referred to as Grantee), subject to existing easements and valid rights, a perpetual easement for a road along and across a strip of land, hereinafter defined as the premises, (over and across the following described lands in the County of \_\_\_\_\_ (Name), State of \_\_\_\_\_ (Name);) (over and across the lands in the County of \_\_\_\_\_ (Name) State of \_\_\_\_\_ (Name), as described on exhibit A attached hereto). 1/

The word "premises" when used herein means said strip of land whether or not there is an existing road located thereon. Except where it is defined more specifically, the word "road" shall mean roads now existing or hereafter constructed on the premises or any segment of such roads.

**USER NOTE; SELECT THE APPROPRIATE LOCATION DESCRIPTION.**  
**Delete instructions and the non-applicable description prior to printing.**

The location of said premises is shown (approximately) on exhibit \_\_\_\_\_ attached hereto.)

Said premises are described more specifically by a centerline description contained in exhibit \_\_\_\_\_ attached hereto.

Said premises shall be \_\_\_\_\_ (Give Description) on each side of the centerline with such additional width as required for accommodation and protection of cuts and fills. If the road is located substantially as described herein, the centerline of said road as constructed is hereby deemed accepted by Grantor and Grantee as the true centerline of the premises granted. If any subsequent survey of the road shows that any portion of the road, although located substantially as described, crosses lands of the Grantor not described herein, the easement shall be amended to include the additional lands traversed; if any land described herein is not traversed by the road as constructed, the easement traversing the same shall be terminated in the manner hereinafter provided.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, assignees, and successors in interest:

- A. Grantee shall comply with all applicable State and Federal laws, Executive orders, and Federal rules and regulations, except that no present or future administrative rule or regulation shall reduce the rights herein expressly granted.
- B. Grantee shall have the right to cut timber upon the premises to the extent necessary for constructing, reconstructing, and maintaining the road. Timber so cut shall, unless otherwise agreed to, be cut into logs of lengths specified by the timber owner and decked along the road for disposal by the owner of such timber.
- C. Grantee shall have the right to use the road on the premises without cost for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's lands or resources, now or hereafter owned or controlled. Grantee alone may extend such rights and privileges for use of the premises to others.
- D. The Grantee shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Forest Supervisor. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
- E. The rights herein conveyed do not include the right to use the road for access to developments used for short or long-term residential purposes, unless and until traffic control regulations, rules, and other provisions to accommodate such use of the road are agreed upon by the Grantor and Grantee.

The foregoing notwithstanding, this easement is granted subject to the following reservations by Grantor, for itself, its permittees, contractors, and assignees:

- 1. The right to use the roads without cost for all purposes deemed necessary or desirable by Grantor in connection with the protection and administration of Grantor's lands or resources, now or hereafter owned or controlled, Provided: That such right of use shall not include use of the road by the public or use for heavy hauling except to remove timber cut on the premises in construction or maintenance of the road; except and until Grantor shall make arrangements to bear its proportionate share of road maintenance costs and proportionate share of **construction** costs in accordance with the Secretary of Agriculture Regulations contained in 36 CFR 212..
- 2. The right to cross and recross the premises and road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with use of the road.
- 3. The right to all timber now or hereafter growing on the premises, subject to Grantee's right to cut such timber as hereinbefore provided.

**USER NOTE: IF APPLICABLE INCLUDE THE FOLLOWING.**

**Delete instructions and wording if not applicable.**

Provided that as long as the \_\_\_\_\_ (Name/Title) Road Right-of-Way Construction and Use Agreement dated \_\_\_\_\_ (Insert Date) remains in full force and effect, the terms and conditions thereof shall govern all aspects of use of the premises, including, but not limited to (construction), reconstruction, and maintenance of the road.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by law; Provided: That the easement, or segment thereof, shall not be terminated for nonuse as long as the road, or segment thereof, is being preserved for prospective future use.

IN WITNESS WHEREOF, the Grantor, by its \_\_\_\_\_ (Title), Forest Service, has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 F.R. 34283), on the day and year first above written.

UNITED STATES OF AMERICA

\_\_\_\_\_  
<Title>  
Forest Service  
Department of Agriculture

(APPROPRIATE ACKNOWLEDGMENT)

\_\_\_\_\_  
1/ Omit the word(s) in parentheses if not applicable.

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According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.